

## §§ 212.11—212.12

## 36 CFR Ch. II (7–1–00 Edition)

1925, as amended by section 5 of the Act of April 24, 1950 (16 U.S.C. 572).

(25 Stat. 357, 26 Stat. 1103, 30 Stat. 35–36, 1233, 38 Stat. 430, 46 Stat. 1421, 64 Stat. 82, 72 Stat. 885, as amended, 74 Stat. 215, 78 Stat. 1089; 16 U.S.C. 471, 478, 498, 525, 528–531, 532, 538, 551, 572, 23 U.S.C. 101, 205, 40 U.S.C. 257, 258a et seq.; 42 Atty. Gen. Op. No. 7; Comp. Gen. B–65972, May 19, 1947; 40 Comp. Gen. 372; 41 Comp. Gen. 1; 41 Comp. Gen. 576, and 42 Comp. Gen. 590)

[30 FR 5479, Apr. 16, 1965. Redesignated at 62 FR 58654, Oct. 30, 1997]

### §§ 212.11—212.12 [Reserved]

#### § 212.13 Temporary suspension of road construction in unroaded areas.

(a) *Definitions.* The special terms used in this section are defined as follows:

(1) *Road.* A vehicle travel way of over 50 inches wide. As used in this section, a road may be *classified* or *unclassified*.

(i) *Classified road.* A road that is constructed or maintained for long-term highway vehicle use. Classified roads may be public, private, or forest development.

(A) *Public road.* A road open to public travel that is under the jurisdiction of and maintained by a public authority such as States, counties, and local communities.

(B) *Private road.* A road under private ownership authorized by an easement to a private party, or a road which provides access pursuant to a reserved or private right.

(C) *Forest development road.* A road wholly or partially within or adjacent to a National Forest System boundary that is necessary for the protection, administration, and use of National Forest System lands, which the Forest Service has authorized and over which the agency maintains jurisdiction.

(ii) *Unclassified road.* A road that is not constructed, maintained, or intended for long-term highway use, such as, roads constructed for temporary access and other remnants of short-term use roads associated with fire suppression, timber harvest, and oil, gas, or mineral activities, as well as travel ways resulting from off-road vehicle use.

(2) *Unroaded area.* An area that does not contain classified roads.

(3) *RARE II.* The acronym for the second Roadless Area Review and Evalua-

tion conducted by the Forest Service in 1979 that resulted in an inventory of roadless areas considered for potential wilderness designation.

(b) *Suspensions.* Except as provided in paragraphs (c) and (d) of this section, new road construction projects, including temporary road construction, and road reconstruction projects are suspended within the following areas of the National Forest System:

(1) All remaining unroaded portions of RARE II inventoried roadless areas within the National Forest System, and all other remaining unroaded portions of roadless areas identified in a land and resource management plan prepared pursuant to the National Forest Management Act (16 U.S.C. 1604) that lie one-quarter mile or more beyond any existing classified road as of March 1, 1999;

(2) All National Forest System unroaded areas of more than 1,000 acres that are contiguous to remaining unroaded portions of RARE II inventoried roadless areas or contiguous to areas inventoried in land and resource management plans. For purposes of implementing this category of suspension, areas of 1,000 acres or more must have a common boundary of considerable length, provide important corridors for wildlife movement, or extend a unique ecological value of the established inventoried area;

(3) Roadless areas listed in Table 5.1 of the Southern Appalachian Area Assessment, Social/Cultural/Economic Technical Report, Report 4 of 5, July 1996;

(4) All National Forest System unroaded areas greater than 1,000 acres that are contiguous to congressionally-designated wilderness areas or that are contiguous to Federally-administered components of the National Wild and Scenic River System (16 U.S.C. 1274) which are classified as Wild; and

(5) All National Forest System unroaded areas greater than 1,000 acres that are contiguous to unroaded areas of 5,000 acres or more on other federal lands.

(c) *Exemptions.* Road construction and reconstruction projects are not subject to the suspension established by paragraph (b) of this section if they fall

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within one of the following unroaded areas:

(1) Unroaded areas within national forests that have a signed Record of Decision revising their land and resource management plans prepared pursuant to the National Forest Management Act (16 U.S.C. 1604) after January 1, 1996, and on which the administrative appeals process under 36 CFR part 217 has been completed as of March 1, 1999;

(2) Unroaded areas within a National Forest that have a signed Record of Decision revising the land and resource management plan prepared pursuant to the National Forest Management Act (16 U.S.C. 1604) on which the administrative appeals process under 36 CFR part 217 has begun before or after March 1, 1999. (For these forests, any issues related to the construction of roads in unroaded areas will be addressed in the appeal decision, when appropriate.);

(3) Unroaded areas within the National Forest System encompassed by a land and resource management plan amendment or revision adopted before or during the period in which this section is effective, where such amendment or revision has been developed through multi-federal agency coordination using a science based eco-regional assessment;

(4) Road construction or reconstruction in unroaded areas where roads are needed for public safety, needed to ensure access provided by statute, treaty, or pursuant to reserved or outstanding rights; or needed to address an imminent threat of flood, fire, or other catastrophic event that, without intervention, would cause the loss of life or property.

(d) *Scope and applicability.* (1) This rule does not suspend or modify any existing permit, contract, or other instrument authorizing the occupancy and use of National Forest System land. Additionally, this rule does not suspend or modify any existing National Forest System land allocation decision, nor is this rule intended to suspend or otherwise affect other management activities or uses within unroaded areas in which road construction or reconstruction projects are sus-

pended pursuant to paragraph (b) of this section.

(2) This rule does not suspend or modify road construction or reconstruction associated with the multi-federal agency Yellowstone Pipeline project.

(3) The suspensions established by paragraph (b) of this section remain in effect until the Forest Service, after giving appropriate public notice and opportunity to comment, adopts its revised road management policy, or 18 months from the effective date of this rule, whichever is first.

(e) *Effective date.* The suspension of road construction and reconstruction projects in unroaded areas as provided in paragraph (b) of this section is effective March 1, 1999.

[64 FR 7304, Feb. 12, 1999]

### §§ 212.14–212.19 [Reserved]

### § 212.20 National Forest development trail system operation.

(a) *Forest development trails.* Forest development trails shall be identified on a map available to the public at the offices of the Forest Supervisors and District Rangers and shall be marked on the ground by appropriate signs which reasonably bring their location to the attention of the public.

(b) [Reserved]

[43 FR 20007, May 10, 1978]

### § 212.21 Pacific Crest National Scenic Trail.

The Pacific Crest National Scenic Trail as defined by the National Trails Systems Act, 82 Stat. 919, shall be administered primarily as a footpath and horseback riding trail by the Forest Service in consultation with the Secretary of the Interior. The use of motorized vehicles may be authorized by the Federal Agency administering the segment of trail involved when use of such vehicles is necessary to meet emergencies or to enable landowners or land users to have reasonable access to their lands or timber rights.

(82 Stat. 919 (16 U.S.C. 1241 *et seq.*))

[43 FR 20007, May 10, 1978]